(c) The information is being collected and will be laid on the Table of the Sabha.

(d) The matter is under consideration of the Government.

**Encroachment of DDA, MCD and NDMC Lands**

4271. SHRI RAJNI RANJAN SAHU: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) what are the details of encroachment on the land belonging to DDA, MCD, NDMC, Cantonment Board, various Gaon Sabhas and other Government or Semi-Government organisations etc., in Delhi alongwith the names of individuals and Social, Religious or political groups etc., who are occupying the land illegally;

(b) whether Government would take appropriate action against the offenders under the relevant laws; and

(c) whether Government would take appropriate action against the guilty and restore the above said lands to the respective legal heirs.

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI M. ARUNACHALAM): (a) to (c) The information is being collected and will be laid on the Table of the Sabha.

**Unauthorised Construction in refugee resettlement colonies**

4272. SHRI RAJNI RANJAN SAHU: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether it is a fact that ninety per refugee resettlement colonies including cent owners of residence in the erstwhile Malaviya Nagar, Lajpat Nagar, Patel Nagar (East and West), Rajender Nagar, Kingsway Camp, Tilak Nagar etc. have added unauthorised structure to their premises beyond the permissible limits and the same are being used for commercial purposes;

(b) whether Government would fix up responsibilities of the concerned MCD officials who aided and abetted to above said illegal acts and would take proper action against them under the relevant laws; and

(c) would Government pull down the said excessive unauthorised structures made beyond the permissible limits and stop the wrong user of the said premises forthwith; if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI M. ARUNACHALAM): (a) the Municipal Corporation of Delhi, have reported that a sizeable number of unauthorised constructions and conversion of premises for commercial purposes, exist in these colonies.

(b) MCD takes appropriate action under the DMC Act against persons responsible whenever violations are noticed. In case any lapse is attributable to Municipal officials or not taking action against such violations, disciplinary action against the officials concerned is taken by MCD.

(c) Unauthorised structures are liable to be demolished/pulled down by the MCD . However, sufficient progress in this regard could not be achieved by MCD due to non-availability of Police force for maintaining law and order during demolition operations.

**Guidelines for eviction of unauthorised occupants**

4273. SHRI SURESH KALMADI:
SHRI BHUBANESWAR KALITA:

Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether it is a fact that Government have recently issued fresh guidelines to be followed by the public sector undertakings while initiating eviction proceedings under the public premises (Eviction of unauthorised occupants) Act; and

(b) if so, what are the details of the guidelines?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI M. ARUNACHALAM): (a) Yes, Sir.

(b) Government has asked the Administrative Ministries to issue guidelines that are to be followed by the Public sector Undertakings under them in order to prevent arbitrary use of the provisions of the Public Premises Act 1971 to evict genuine tenants and to limit the use of the summary powers under the Act primarily to evict unauthorised occupants and retired employees of the enterprises. An extract of the guidelines in enclosed as ttatement.

**Statement**

*Extracted Versions of Guidelines for Public Premises Act*

(i) The provisions of the P. P. Act should be used primarily to evict totally illegal occupants of the premises of public authorities or unauthorised sublettees, or employees who have ceased to be in their service and thus ineligible for occupation of the premises. The proceedings should be initiated in accordance with the provisions of the Act only in cases where the occupation becomes unauthorised on genuine grounds of law.

(ii) The provisions of the Act should not be resorted to either with a commercial motive or to secure vacant possession of the premises in order to accommodate their own employees where the premises were in occupation of the original tenants to whom the premises were let either by the public authorities or the persons from whom the premises were acquired.

(iii) A person in lawful occupation of any premises should not be treated or declared to be an unauthorised occupant merely on service of notice of termination of tenancy, nor should any contractual agreement be wound up by taking advantage of the provisions the Act. At the same time, it will be open to the public authority to secure periodic revision of rent in terms of the provisions of the Rent Control Act in each State, or to move under genuine grounds under the Rent Control Act for resuming possession. In other words, the public authorities would have rights similar to private land lords under the Rent Control Act in dealing with genuine legal tenants;

(iv) It is necessary to give no room for allegations that evictions were selectively restored to for the purpose of securing an unwarranted increase in rent, or that a change in tenancy was permitted in order to benefit particular individual or institutions in order to avoid such imputations or abuses of discretionary powers. The release of premises of change of tenancy should be decided at the level of Board of Directors of the Public Undertaking.

(v) All the Public Undertakings should immediately review all pending cases before the Estate Officer or Courts with reference to these guidelines, and withdraw eviction proceedings against genuine tenants on grounds otherwise than as provided under these guidelines. The Provisions under the P. P. Act should be used henceforth only in accordance with these guidelines.